

Small Entity Compliance Guide to the Consolidated Regulations for Atlantic Tunas, Swordfish, Sharks and Billfish

The Fishery Management Plan (FMP) for Atlantic tuna, swordfish and sharks was developed for the integrated management of these highly migratory species (HMS) that inhabit the Atlantic Ocean and adjacent waters. The HMS FMP replaces the existing Atlantic Shark and Atlantic Swordfish Fishery Management Plans and establishes an FMP for Atlantic tuna.

Amendment One of the Atlantic Billfish FMP was developed in coordination with the HMS FMP to manage Atlantic billfish in the Atlantic Ocean and adjacent waters. It should be noted that the strategies and objectives of the HMS FMP and Amendment One of the Billfish FMP are similar to and consistent with one another.

Atlantic HMS and billfish are managed by the National Marine Fisheries Service (NMFS) under the authority of the Secretary of Commerce with consideration of the domestic and international aspects of these fisheries. NMFS has promulgated regulations to implement the HMS FMP and Amendment One of the Billfish FMP.

All existing regulations remain effective until July 1, 1999, with the following exceptions:

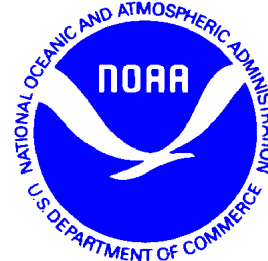
- 1) the new billfish minimum size limits;
- 2) the bluefin tuna quota and effort control specifications; and
- 3) Mid-Atlantic time/area closure to pelagic longline fishermen in the month of June.

These three provisions are effective as of the date of filing at the *Federal Register*. This 15 - page **Compliance Guide** provides a plain-language summary of how to comply with the set of consolidated regulations for Atlantic tunas, swordfish, sharks and billfish, consistent with the Small Business Regulatory Enforcement Fairness Act of 1996.

For the official and complete set of regulations, see 50 CFR part 635 and the *Federal Register*. You can also request a copy of the regulations by calling the National Marine Fisheries Service Highly Migratory Species Management Division at (301) 713-2347.

For more information on the HMS FMP and Amendment One of the Atlantic billfish FMP, view the agency's Web site at www.nmfs.gov/sfa/hmspg.html.

Since fishery rules are subject to change, fishermen must familiarize themselves with the latest complete regulations and are responsible for complying with the current official regulations.



See page 15 for the complete list of
NMFS Highly Migratory Species contacts.

Commercial Fishing for Highly Migratory Species

Deadlines for applying for limited access permits:

- **Swordfish and shark — Directed and incidental permits — September 1, 1999**
- **Swordfish handgear — December 1, 1999**

Q: *What are the time/area closures for the commercial HMS fishery?*

A: NMFS is closing the area from 39 to 40°N and 68 to 74°W during the month of June to pelagic longline gear in order to reduce dead discards of bluefin tuna. This measure is effective as of May 24, 1999.

Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is also prohibited in the Oculina Bank by other regulations, which is bounded on the north by 27°53'N latitude, on the south by 27°30'N latitude, on the east by 79°56'W longitude, and on the west by 80°00'W longitude.

The area from 27°51'N latitude (near Sebastian Inlet, FL) to 32°00'N latitude (near Savannah, GA) extending from the shore outward to 80°W longitude is closed to shark gillnet fishing each year from November 15 to March 31.

In addition, 100% observer coverage is required for the use of gillnets in the area from West Palm Beach (26°46.5'N latitude) to Sebastian Inlet (27°51'N latitude) from November 15 through March 31 and for the use of strikenets in the area between West Palm Beach, FL, and Savannah, GA, for the same time period.

Q: *Is there any limitation on the length of a longline?*

A: Yes, from July 1, 1999 through June 30, 2000, the length of a pelagic longline is limited to 24 nautical miles in the Mid-Atlantic Bight.

Q: *Do I have to mark my fishing gear?*

A: Yes, you must mark your handline, harpoon, longline, and gillnet floats with the vessel's registration number, vessel name, or Atlantic Tuna permit number.



Q: *What if I entangle a protected species in my longline gear?*

A: All vessels using longlines to fish for HMS must immediately release the animal, retrieve the gear, and move one nautical mile after an entanglement with protected species. Commercial vessels must report interactions to NMFS.

I. Commercial Shark Fishing

Please Note: On June 30, 1999, NMFS received a Court Order from Judge Steven D. Merryday relative to the May, 1997 lawsuit challenging commercial harvest quotas for Atlantic sharks. This decision virtually eliminates many of the new shark management measures that were to go into effect July 1, 1999, *except* for limited access (including incidental catch limits), trip limits (4,000 lb large coastal sharks), shark gillnet observer coverage, and all recreational shark measures.

Therefore, the large coastal shark (LCS) quota reverts to its 1997 level of 1,285 mt dw (all species of LCS included), with no minimum sizes on ridgebacks, the pelagic and small coastal shark quotas also revert to their 1997 levels, the 1997 prohibited species list now applies in commercial fisheries only (five prohibited species: white, basking, whale, sand tiger and bigeye sand tiger). Note in particular that duskies are again an allowed species.

Limited access (including incidental trip limits), the 4,000 lb trip limit for LCS, the 100% observer coverage (for shark gillnets), and all recreational measures (minimum size, bag limits, and 1999 prohibited species list) still apply and will be enforced.

Q: *What shark species are prohibited?*

A: Atlantic angel, basking, bigeye thresher, bignose, Caribbean reef, Caribbean sharpnose, dusky, Galapagos, longfin mako, narrowtooth, night, sevengill, sixgill, bigeye sixgill, sand tiger, bigeye sand tiger, smalltail, whale, and white sharks are prohibited.

I. Commercial Shark Fishing

Q: *What shark species are not prohibited?*

A: **Large Coastal Sharks, ridgeback species:** sandbar, silky, tiger;

Large Coastal Sharks, non-ridgeback species: blacktip, spinner, lemon, bull, nurse, smooth hammerhead, scalloped hammerhead, great hammerhead;

Small Coastal Sharks: Atlantic sharpnose, blacknose, finetooth, bonnethead;

Pelagic Sharks: Shortfin mako, blue, thresher, porbeagle, oceanic whitetip;

Deepwater and other: Catsharks, dogfish (except spiny dogfish), sawsharks, smoothhound.

Q: *When is the fishing year for sharks?*

A: The shark fishing year is January 1 through December 31. The year is divided into 2 semi-annual seasons: The first is from January 1 to June 30, and the second from July 1 to December 31. NMFS will announce the closure date for large coastal sharks prior to the start of the semi-annual season.

Q: *What gears may I use to commercially catch sharks?*

A: You may use longline, gillnet, rod and reel, and handline. However, you may not use gillnet gear to fish for sharks unless a NMFS observer is on board.

Q: *If I am a fisherman who sells shark, do I need a permit?*

A: Yes; as of July 1, 1999, you must have a limited access shark permit.

Q: *What is the difference between directed and incidental limited access permits?*

A: A directed permit will allow fishermen to retain more sharks than an incidental permit.

Q: *How many sharks do I need to have landed in order to qualify for a shark limited access permit?*

A: Under the new regulations, fishermen must meet three criteria:

1) you must have held a permit between July 1, 1994 and December 31, 1997;

2) for a directed permit, you must have landed at least 102 sharks per year in any two years from 1991 to 1997; or for an incidental permit, you must either qualify for a swordfish limited access permit, have held a Tuna Incidental permit in 1998, or have landed

seven sharks cumulatively from 1991 to 1997, and 3) you must have held a permit during the most recent open fishing year for sharks, January 1, 1998 through December 31, 1998.

Q: *Are there any exemptions to the qualifications for a shark limited access permit?*

Yes, there are two exemptions. The first exemption states that persons who purchased a qualifying vessel **and** that vessel's landings history after December 31, 1997 are exempt from the requirement to have owned a vessel issued a valid Federal Atlantic shark permit at any time from July 1, 1994, through December 31, 1997. Such persons must have purchased vessels and their associated landings histories that meet the landings eligibility criteria described above through documented transfer at the time of purchase, and must have owned a shark-permitted vessel at any time in 1998.

The second exemption applies to those fishermen who first obtained a Federal shark permit in 1997. Those fishermen are exempt from the requirement to document a second year of Atlantic shark landings as described above. Rather, such fishermen may document, for the directed permit, landings of at least 102 sharks during 1997 (equal to the \$5,000 substantially dependent threshold), or, for an incidental permit, landings of at least one Atlantic shark during 1997.

Fishermen who feel they qualify for a limited access permit under the terms of either of these exemptions must apply by September 1, 1999.

Q: *How do I get a limited access permit?*

A: NMFS will mail all current commercial shark, swordfish, and bigeye, albacore, yellowfin, and skipjack (BAYS) tunas permit holders information on limited access. If you do not receive a permit with that information, you may apply for a limited access permit.

If your application is denied, you may appeal the denial.

Also, you may purchase a limited access permit from someone who received one.

Q: *How many sharks may I keep per trip if I have a directed limited access permit?*

A: You may keep 4,000 pounds dressed weight of large coastal sharks per trip. There is no directed retention limit for pelagic sharks or small coastal sharks.

I. Commercial Shark Fishing cont.

Q: *How many sharks may I keep per trip if I have a shark incidental limited access permit?*

A: You may keep 5 large coastal sharks per vessel per trip. You may also keep a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip.

Q: *What is the annual quota for large coastal shark commercial fishing?*

A: NMFS has divided the large coastal shark quota into separate annual quotas for ridgeback and non-ridgeback sharks. Many of the large coastal sharks have a ridge (raised line) that runs down their backs between the dorsal fins. The presence or absence of this ridge is apparent even after the carcass has been dressed.

- **Ridgeback quota:** 620 metric tons dressed weight.
- **Non-ridgeback quota:** 196 metric tons dressed weight.

Q: *Is there a quota for public display sharks?*

A: Yes, there is a public display quota of 60 metric tons whole weight (43 metric tons dressed weight) for all species combined.

Q: *What is the annual quota for pelagic sharks?*

A: NMFS has subtracted the annual quota for porbeagle sharks from the 1998 pelagic shark quota. A separate quota for blue sharks has been added, although NMFS will subtract overharvests in the blue shark quota from the next year's pelagic shark quota.

- **Pelagic sharks (shortfin mako, thresher, oceanic whitetip):** 488 metric tons dressed weight;
- **Porbeagle:** 92 metric tons dressed weight;
- **Blue:** 273 metric tons dressed weight.

Q: *What is the annual quota for small coastal sharks?*

A: **Small coastal sharks:** 359 metric tons dressed weight (all species combined).

Q: *Are there any minimum sizes for commercially caught sharks?*

A: Yes, for ridgeback large coastal sharks there is a minimum size limit of 4.5 feet (137 cm) fork length.

For ridgeback large coastal sharks that have been dressed, the minimum size is 30 inches (76 cm) from the origin of the first dorsal fin to the pre-caudal pit (or the end of the carcass).

There is no commercial size limit for non-ridgeback large coastal sharks, pelagic sharks, small coastal sharks or deepwater and other sharks.

Q: *Are there any restrictions on fishing for sharks in the "deepwater and others" category?*

A: Finning these species or any species in the management unit is prohibited.

Q: *What are the reporting requirements for commercial shark fishermen?*

A: If NMFS sends you a letter telling you that you have been selected, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading.

If NMFS sends you a letter telling you that you have been selected, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board.

All vessels using a gillnet to fish for or retain sharks must have a NMFS observer aboard at all times.

You may not fish with a pelagic longline on board after September 1, 1999, unless you are submitting hourly position reports from a vessel monitoring system (VMS). NMFS will publish VMS specifications at a later date; do not purchase a VMS until NMFS has published its notice telling you which types of units will be acceptable.

Q: *May I fin my sharks?*

A: NMFS has prohibited finning for all shark species in the Atlantic Ocean, Gulf of Mexico and Caribbean Sea. However, fishermen may remove fins as part of dressing the carcass in the commercial fishery.

The wet weight of the fins in your possession or that you offload may not exceed 5% of the weight of the carcasses.



II. Commercial Tuna Fishing

Q: *If I want to fish for Atlantic tunas, do I need a permit?*

A: Yes, all boat owners/operators fishing for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack tuna in the Atlantic, including the Gulf of Mexico and Caribbean Sea must obtain a permit. The permit categories are: Angling, General, Charter/Headboat, Harpoon Boat, Purse Seine, Longline, and Trap. Only one category may be assigned to a vessel per year. NMFS will not issue any new Longline Category permits for tunas; you must purchase one from another fisherman if you wish to enter the fishery.

Q: *Do I need any other permits in addition to a tuna permit?*

A: Yes. You must also have swordfish and shark limited access permits to longline for tunas.

Q: *When are the seasons for commercial bluefin tuna fishermen?*

- A:**
- **General Category:** Opens June 1, closes May 31 or when the quota for the category has been landed; calendar of restricted fishing days at right.
 - **Charter/Headboat Category:** Opens June 1, closes May 31 or when the quota for the category has been landed, when fishing under the General Category quota.
 - **Harpoon Category:** Opens June 1, closes May 31 or when the quota for the category has been landed.
 - **Purse Seine Category:** Opens August 15, closes December 31 or as soon as the Individual Vessel Quota is filled.
 - **Longline Category:** Opens June 1, closes May 31 or when the quota for the category has been landed.
 - **Trap Category:** Opens June 1, closes May 31 or when the quota for the category has been landed.

Q: *What are the 1999 fishing year domestic commercial quota allocations for bluefin tuna?*

A: These quota allocations are effective as of the date of filing at the *Federal Register*:

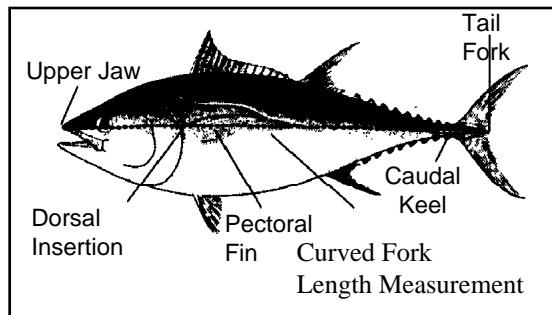
General: 654 metric tons whole weight;
Longline (N): 24 metric tons whole weight;
Longline (S): 89 metric tons whole weight;
Trap: 1 metric ton whole weight;
Purse Seine: 250 metric tons whole weight;
Harpoon: 54 metric tons whole weight.

Q: *Where is the separation for Atlantic Bluefin Tuna between "North" and "South" regions for the longline category?*

A: For the Longline category, the Northern area is north of 34°00'N and the Southern area is south of 34°00'N. The 34°00'N separation line is located at Cape Fear, North Carolina.

Q: *Is NMFS prohibiting the use of spotter planes?*

A: NMFS is aware that the use of spotter planes is of vital concern to many constituents. Therefore, NMFS will address this issue in a separate rule making. Spotter planes are not prohibited at this time.



Q: *What are the minimum sizes for tunas landed in the commercial fishery?*

A: The minimum size for yellowfin and

bigeye tuna landed in all tuna permit categories is 27" curved fork length. Currently, there are no minimum sizes for albacore and skipjack tuna.

The minimum sizes for bluefin tuna are as follows:

- **General:** 73" curved fork length;
- **Longline:** 73" curved fork length;
- **Harpoon:** 81" curved fork length, with allowance per trip of one 73" to 81";
- **Purse seine:** 81" curved fork length, except for 15% per trip and 10% per fishing year allowance for bluefin tuna between 73" to 81", and a 1% incidental take of bluefin tuna less than 73" per trip which cannot be sold.

Q: *How do I measure the curved fork length of an Atlantic tuna?*

A: Measurements must be taken in a line, tracing the contour of the body from the tip of the upper jaw to the fork of the tail, which abuts the dorsal insertion of the pectoral fin and the dorsal side of the caudal keel.

If the tuna has been beheaded, measurements must be taken from the dorsal insertion of the pectoral fin, tracing the contour of the body, to the fork of the tail. The tape must touch the top portion of the pectoral fin. This measure must be multiplied by 1.35. The resulting number is the curved fork length.

Commercial Tuna Fishing, continued

Q: *If I have a Longline category permit, how many bluefin tuna may I keep?*

A: **North of 34°N:** There is no trip limit. However, the weight of Atlantic bluefin tuna retained must not exceed 2% by weight of the targeted catch landed and sold.

South of 34°N: From January 1 to April 30, one bluefin tuna per vessel per fishing trip may be landed if at least 1,500 pounds (680 kg) of other species are also landed and sold. From May 1 to December 31, one bluefin tuna per vessel per trip may be landed if at least 3,500 pounds of other targeted species are also landed and sold.

Q: *If I have a Harpoon or General category permit, how many bluefin tuna may I keep?*

A: In the **Harpoon** category, you may keep one bluefin measuring 73" to 81" curved fork length per trip per vessel. There is no limit on the number of bluefin tuna 81" curved fork length and longer that you may keep, as long as the Harpoon category season is open.

In the **General** category, you may keep one bluefin tuna, at least 73" curved fork length, per trip per vessel while the General category is open.

Q: *If I have a Purse Seine category permit, how many bluefin tuna may I keep?*

A: In the Purse Seine category, bluefin tuna smaller than 73" curved fork length may be kept as incidental take (not for sale) as long as they constitute no more than 1% of the catch per trip. Bluefin tuna between 73" and 81" curved fork length may be kept as long as they constitute no more than 15% of the catch per trip and 10% of the catch per year. NMFS will subtract these fish from the individual vessel quota.

The number of bluefin tuna at least 81" curved fork length kept by purse seine vessels is based upon the individual vessel quota.

NMFS will send purse seine vessel owners a letter stating what their individual vessel quota is. However, incidental take of bluefin tuna is allowed while fishing for yellowfin and skipjack tuna. Purse seine vessels may not target BAYS tunas if their individual vessel quota for bluefin tuna has been reached.



Q: *When is the fishing year for BAYS tunas?*

A: For all categories of tuna fishermen, the fishing year for BAYS tunas is June 1 to May 31. The use of pelagic longlines is prohibited in the northwestern Atlantic from 39 to 40°N and 68 to 74°W during the month of June in order to reduce dead discards of bluefin tuna.

Q: *How many BAYS tunas may a commercial fisherman keep?*

A: Currently there are no restrictions on the number of BAYS tunas that may be landed by a commercial vessel with an Atlantic tunas permit. Pelagic longliners must also have either a directed or incidental limited access shark and swordfish permit.

Q: *What are the reporting requirements for commercial tuna fishermen?*

A: If NMFS sends you a letter telling you that you have been selected, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board and complete a logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips.

You must submit the logbook to NMFS within 7 days of offloading.

In addition, all commercially landed bluefin tuna must be tagged by a permitted tuna dealer.

You may not fish with a pelagic longline on board after September 1, 1999, unless you are submitting hourly position reports from a vessel monitoring system (VMS).

NMFS will publish specifications for approved vessel monitoring systems at a later date; do not buy your VMS unit until NMFS has published these specifications.

Q: *Are driftnets banned in the Atlantic tuna fishery?*

A: Yes. However, NMFS recognizes that the prohibition on driftnets for Atlantic tunas would preclude a small coastal driftnet fishery from retaining its catch of skipjack.

NMFS may issue Experimental Fishing Permits (EFPs) to the limited number of coastal driftnet fishermen affected by the gear prohibition in order to collect more information on this fishery and help determine NMFS' future course of action.

Individuals who wish to use driftnet gear when targeting species other than Atlantic tunas may apply to NMFS for an EFP to land incidentally caught tunas (other than bluefin).

Finally, fishermen may continue to use driftnet gear to fish for bonito as this species is not managed through this final rule.

1999 Atlantic Bluefin Tuna Quotas and General Category Effort Controls**

Category	1999 Quota mt ww***	Subperiod or Subcategory	Subquota mt ww
General	654.....	June-Aug.....	387
		Sep.....	193
		Oct.-Dec.....	64
		New York Bight*.....	10
Harpoon	54		
Longline.....	113.....	North	24
		South.....	89
Trap.....	1		
Purse Seine....	252		
Angling	261.....	School	99
		North.....	43
		South	38
		Reserve.....	18
		Large school/ small medium.....	156
		North.....	83
		South	73
		Trophy.....	6
		North.....	2
		South	4
Reserve.....	43		

* The New York Bight set-aside will be implemented when it is determined that BFT have migrated to the New York Bight area and when the coast wide General category is closed (e.g., late September).

** As set forth in the Final HMS FMP.

*** Metric tons whole weight.



III. COMMERCIAL SWORDFISH FISHING

Q: *When is the fishing year for the commercial swordfish fishery?*

A: The fishing year is from June 1 to May 31. The quota is divided into two semi-annual seasons. The first season runs from June 1 through November 30 and the second runs from December 1 through May 31 of the following year.

Q: *What kind of gear may I use to fish for swordfish?*

A: Longlines and handgear (handline, rod and reel, harpoon, bandit gear) are permitted in the swordfish fishery. Squid trawlers may land swordfish, subject to incidental catch limits as described below. Driftnet gear is now banned in the Atlantic swordfish fishery.

Q: *If I am a fisherman who sells swordfish, do I need a permit?*

A: Yes; as of July 1, 1999, you must have a limited access swordfish permit.

Q: *How many swordfish do I need to have landed in order to qualify for a limited access permit?*

A: Under the new regulations, fishermen must meet three criteria:

- 1) you must have held a permit between July 1, 1994 and December 31, 1997;
- 2) for a directed permit, you must have landed at least 25 swordfish per year in any 2 years from 1987 to 1997, or for an incidental permit, you must have either held a Tuna Incidental permit in 1998, or landed 11 swordfish cumulatively from 1987 to 1998, and
- 3) you must have held a permit during the most recent open fishing season for swordfish (June 1, 1998 through November 30, 1998).

Q: *Are there any exemptions to the qualifications for a swordfish limited access permit?*

A: Yes, there are two exemptions.

The first exemption states that persons who purchased a qualifying vessel **and** that vessel's landings history after December 31, 1997 are exempt from the requirement to have owned a vessel issued a valid Federal Atlantic swordfish permit at any time from July 1, 1994, through December 31, 1997.

Such persons must have purchased vessels and their associated landings histories that meet the landings eligibility criteria described above, through

Commercial Swordfish Fishing, continued

documented transfer at the time of purchase, and must own a swordfish-permitted vessel at any time during the period June 1, 1998, to November 30, 1998.

The second exemption applies to those fishermen who first obtained a Federal swordfish permit in 1997. Those fishermen are exempt from the requirement to document a second year of Atlantic swordfish landings as described above. Rather, such fishermen may document, for the directed permit, landings of at least 25 swordfish during 1997 (equal to the \$5,000 substantially dependent threshold), or, for an incidental permit, landings of at least one Atlantic swordfish during 1997.

Fishermen who feel they qualify for a limited access permit under the terms of either of these exemptions must apply by September 1, 1999.

Q: *How do I get a limited access permit?*

A: NMFS will mail all current commercial shark, swordfish and BAYS permit holders information on limited access. If you do not receive a permit with that information, you may apply for a limited access permit.

If your application is denied, you may appeal the denial. Also, you may purchase a limited access permit from someone who received one.

Q: *If I used to catch swordfish with a harpoon and I no longer have a swordfish permit, may I get a swordfish limited access permit?*

A: You can apply and qualify for a swordfish handgear limited access permit two ways:

- 1) showing historical landings of swordfish with harpoon gear (documented through permit with harpoon marked off as gear used, logbook records, official sales slips, receipts from registered dealers, or state landing records), or
- 2) showing that more than half of your income or at least \$20,000 gross revenue comes from fishing, or charter/headboat fishing during one of the three calendar years preceding the application.

Fishermen who feel they qualify for a limited access permit under the terms of either of these qualifications must apply by December 1, 1999.

Q: *Are there limitations to the handgear permit?*

A: You can fish for swordfish with a handgear permit only if you do not have longline gear onboard. Handgear fishermen may land swordfish during directed fishery closures (except with harpoon), subject to incidental catch limits as described above.

Q: *I live in the U.S. Virgin Islands or Puerto Rico and have fished for years without a federal permit. Do I need a limited access permit?*

A: Yes, fishermen in the U.S. Virgin Islands or Puerto Rico are no longer exempt from the federal permit requirement.

However, NMFS believes this local fishery mainly uses handgear, and most swordfish fishermen in these areas are likely to qualify for a handgear permit if they apply.

Q: *If I qualify for a swordfish permit, will I need to buy a shark or a tuna permit right away?*

A: If you qualify for either an incidental or directed swordfish permit based upon landings and permit history, you will also receive at least an incidental shark permit and an Atlantic tunas longline permit.

All three permits are required for directed swordfish trips since they regularly encounter sharks and BAYS tunas.

HOWEVER, if you enter the swordfish fishery by buying (not qualifying for) a permit from another fisherman, you will need to buy both a shark limited access permit (incidental or directed) and a tuna longline permit.

Q: *If I have an incidental swordfish permit, how many swordfish may I keep?*

A: Five swordfish per trip may be kept if you fish with a trawl on a squid trip, and 2 swordfish per trip for all other authorized gears regardless of whether the directed fishery season is open or closed. However, once the incidental quota has been met, you may not retain any swordfish.

Q: *If I have a directed swordfish permit, how many swordfish may I keep?*

A: When the directed north Atlantic swordfish fishery is open, there are no retention limits for swordfish landed by directed swordfish permit holders. When the directed north Atlantic fishery is closed, you may keep 15 swordfish from the north Atlantic per pelagic longline trip.

However, when the fishery is closed, no harpooned swordfish are allowed and you may keep only 2 swordfish per trip for all other handgear.

There are no retention limits for swordfish in the south Atlantic when the directed fishery is open. However, when it is closed, you cannot keep any south Atlantic swordfish.

Commercial Swordfish Fishing, continued

Q: *What are the reporting requirements for commercial swordfish fishermen?*

A: If NMFS sends you a letter telling you that you have been selected, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board.

If NMFS sends you a letter telling you that you have been selected, you must also complete a logbook within 48 hours of each day's fishing activities for multi-day trips or before offloading directed fishery season is open or closed. However, once the incidental quota has been met, you may not retain any swordfish.

Q: *If I have a directed swordfish permit, how many swordfish may I keep?*

A: When the directed north Atlantic swordfish fishery is open, there are no retention limits for swordfish landed by directed swordfish permit holders. When the directed north Atlantic fishery is closed, you may keep 15 swordfish from the north Atlantic per pelagic longline trip.

However, when the fishery is closed, no harpooned swordfish are allowed and you may keep only 2 swordfish per trip for all other handgear.

There are no retention limits for swordfish in the south Atlantic when the directed fishery is open. However, when it is closed, you cannot keep any south Atlantic swordfish.

Q: *What are the reporting requirements for commercial swordfish fishermen?*

A: If NMFS sends you a letter telling you that you have been selected, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board.

If NMFS sends you a letter telling you that you have been selected, you must also complete a logbook within 48 hours of each day's fishing activities for multi-day trips or before offloading for one-day trips. You must submit the logbook to NMFS within 7 days of offloading.

You may not fish with a pelagic longline on board after September 1, 1999, unless you are submitting hourly position reports from a vessel monitoring system. NMFS will publish specifications for approved vessel monitoring systems at a later date; do not purchase a VMS until NMFS has published its notice telling you which types of units will be acceptable.

Q: *What is the annual quota for North Atlantic swordfish?*

A: The non-adjusted annual directed fishery quota for the north Atlantic swordfish stock for the period June 1, 1999, through May 31, 2000, is 2033.2 metric tons dressed weight. The directed fishery quota is divided into 2 equal semiannual quotas of 1016.6 metric tons dressed weight.

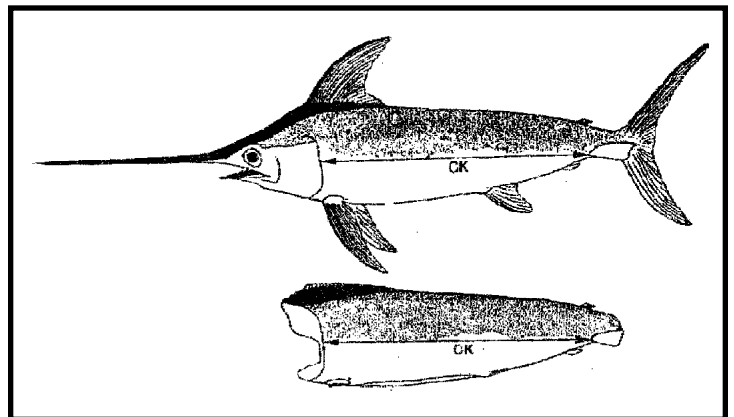
There is also an annual incidental catch quota for the north Atlantic swordfish stock of 300 metric tons dressed weight. No incidental harvest is authorized for the south Atlantic swordfish stock.

Q: *What is the minimum size for north Atlantic swordfish?*

A: The minimum size for north Atlantic swordfish landed by commercial and recreational fishermen is 29" (73 cm) from cleithrum to caudal keel. This is equivalent to 33 pounds dressed weight.

Q: *How do I measure the size of an Atlantic swordfish?*

A: Swordfish must be measured along the body contour from the cleithrum, (semicircular bony structure that forms the posterior edge of the gill opening), to the anterior portion of the caudal keel. Measurement must be made at the point on the cleithrum that provides the shortest possible CK measurement. See drawing at left.



IV. BILLFISH BYCATCH IN COMMERCIAL FISHERIES

Q: *What if I encounter Atlantic billfish as bycatch while fishing?*

A: U.S. flagged commercial vessels are prohibited from selling, retaining, or purchasing Atlantic billfish. These prohibitions extend throughout the Atlantic Ocean for blue and white marlin. All billfish must be removed by either cutting the leader or by using a dehooking device. In all cases, blue and white marlin caught by a pelagic longline anywhere in the Atlantic Ocean, or sailfish and longbill spearfish caught shoreward of the outer boundary of the Atlantic EEZ, must be released without removing the fish from the water.

Q: *If I am fishing in parts of the Atlantic outside the U.S. EEZ, do I have to comply with U.S. domestic regulations?*

A: Yes, U.S. flagged vessels and U.S. citizens, even if they are fishing on a foreign flagged vessel, are required to comply with U.S. domestic regulations that pertain to Atlantic blue and white marlin while fishing in the Atlantic.

Recreational Fishing for Highly Migratory Species

Q: *What species are prohibited ?*

A: Atlantic angel, basking, bigeye thresher, bignose, Caribbean reef, Caribbean sharpnose, dusky, Galapagos, longfin mako, narrowtooth, night, sevengill, sixgill, bigeye sixgill, sand tiger, bigeye sand tiger, smalltail, whale, and white sharks are prohibited.

Q: *What species of sharks are not prohibited?*

A: ● **Large Coastal Sharks, ridgeback species:** sandbar, silky, tiger;
● **Large Coastal Sharks, non-ridgeback species:** blacktip, spinner, lemon, bull, nurse, smooth hammerhead, scalloped hammerhead, great hammerhead;
● **Small Coastal Sharks:** Atlantic sharpnose, blacknose, finetooth, bonnethead;

I. RECREATIONAL SHARK FISHING

- **Pelagic Sharks:** Shortfin mako, blue, thresher, porbeagle, oceanic whitetip;
- **Deepwater and Other:** Catsharks, dogfish (except spiny dogfish), sawsharks, smoothhound.

Q: *How many sharks may I keep and how big do they have to be?*

A: Recreational fisherman are allowed to keep 1 shark (any of the allowed species) per vessel per trip, subject to a minimum size of 4.5 feet fork length. In addition, there is an allowance of 1 Atlantic sharpnose per person per trip, with no minimum size.

Q: *What gears can I use in the recreational shark fishery?*

A: Recreational anglers are allowed to use rod and reel, handline, and bandit gear.

Q: *May I bleed the sharks that I keep?*

A: Yes, recreational fishermen can gut sharks and make an incision at the base of the tail to bleed the shark as long as the caudal fin is still attached. All sharks landed by recreational anglers must have the head, fins, and tail attached.

Q: *Do I need a permit in order to recreationally fish for sharks?*

A: Not if you are a private angler.

However, charterboat and headboat owner/operators will be required to have an annual HMS charter/head boat permit. The HMS charter/headboat permit will not be in place before Fall 1999; NMFS will publish additional information on this new program in the *Federal Register*.

Q: *If I am a charterboat or head boat owner/operator, do I need to keep a logbook and have a NMFS observer on board?*

A: If NMFS sends you a letter telling you that you have been selected, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips or before offloading for one-day trips. You must submit the logbook to NMFS within 7 days of offloading highly migratory species.

You do not have to have an observer aboard, but you may participate in a voluntary charter/headboat observer program.

Q: *What are the monitoring and reporting requirements for recreational shark anglers?*

A: If contacted on the dock or by phone, recreational anglers must participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS).

Q: *If I am a tournament operator, do I need to register my tournament with NMFS?*

A: Yes, if you operate a tournament that requires participants to register, or enter, or in which a prize or award is offered, for Atlantic highly migratory species and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify NMFS of the dates and location of the tournament at least 4 weeks prior to commencement of the tournament.

NMFS will select a sample of tournaments for reporting. If you are selected, NMFS will send you a reporting form that must be returned to NMFS within 7 days after tournament fishing ends.

II. RECREATIONAL TUNA FISHING

Q: *When is the fishing year for recreationally landed bluefin, yellowfin, bigeye, albacore, and skipjack (BAYS) tunas?*

A: The recreational fishing year is from June 1 to May 31, or, for bluefin, until the quota has been met. This also applies to charter/headboats fishing under the Angling category quota.

Q: *If I am a recreational angler, do I need a permit to land Atlantic tunas?*

A: Yes, private vessel owners who fish recreationally for Atlantic BAYS, and school, large school, and small medium bluefin tunas must obtain a permit in the Angling category. Charter/headboats are also required to obtain a permit to fish for tunas listed above. A permit is not required to fish for Atlantic blackfin tuna or Atlantic bonito.

Q: *May I sell my tunas?*

A: Atlantic tunas may only be sold by fishermen permitted in a commercial category. If you have an Angling category permit, you may not sell tunas.

Q: *What are the allowable gear types in the Angling category?*

A: Recreational anglers are allowed to use rod and reel (including downriggers and rodholders) or handline.

Q: *What are the annual quotas for recreationally landed BAYS tunas?*

A: There are no quotas for the 1999 fishing year for BAYS tunas.

Q: *What are the 1999 fishing year quotas (adjusted) in the Angling category for bluefin tuna?*

A: ANGLING (total):261 mt ww*
School (N):.....43 mt ww
School (S):38 mt ww
Lg. School / Sm. Med. (N):83 mt ww
Lg. School / Sm. Med (S):73 mt ww
Trophy (N):2 mt ww
Trophy (S):.....4 mt ww
Reserve:18 mt ww

*Metric tons whole weight.

Q: *Where is the separation between “North” and “South” regions for the bluefin tuna Angling category quota?*

A: The Northern area is north of 38°47'N (New Jersey and states north), while the Southern area is south of 38°47'N (Delaware and states south).

Q: *If I have an Angling category permit, how many bluefin, and BAYS tunas may I keep?*

A: The number of bluefin tuna you may keep varies throughout the fishing season. Therefore, anglers are advised to call 1-888-USA-TUNA or (978) 281-9340 to check retention limits before fishing. Anglers may retain three yellowfin tuna per person per trip. There are currently no recreational retention limits for bigeye, albacore, and skipjack tunas.

Q: *What are the minimum sizes for landing bluefin and BAYS tunas in the recreational fishery?*

A: The minimum size is 27" curved fork length for bluefin, yellowfin and bigeye tunas. There is currently no minimum size for albacore or skipjack.

II. RECREATIONAL TUNA FISHING Cont.

Q: *What are the reporting requirements for tunas landed by recreational anglers?*

A: Recreational landings of bluefin tuna must be reported within 24 hours of landing to the NMFS Automated Catch Reporting system or, in states which NMFS has listed in the *Federal Register*, to a reporting station. If contacted on the dock or by phone, recreational anglers must participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS).

Q: *If I am a tournament operator, do I need to register my tournament with NMFS?*

A: Yes, if you operate a tournament that requires participants to register, or enter, or in which a prize or award is offered for Atlantic highly migratory species and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify NMFS of the dates and location of the tournament at least 4 weeks prior to commencement of the tournament.

NMFS will select a sample of tournaments for reporting. If NMFS sends you a letter telling you that you have been selected, you must submit your information to NMFS within 7 days after tournament fishing ends.

Q: *Am I allowed to fish for tuna without a vessel, e.g. from shore, from an oil rig, etc.?*

A: Only permitted vessels may fish for Atlantic bluefin tuna, bigeye, yellowfin, albacore, or skipjack tuna in the U.S. EEZ, including the Gulf of Mexico and Caribbean Sea. If one of these species is caught incidentally during fishing activities from shore or from an oil rig, it must be released immediately.

Q: *I hold an Atlantic tunas Charter/Headboat permit and often take charters to catch yellowfin tuna. Will I also be restricted to the recreational retention limit for yellowfin tuna?*

A: Yes. The recreational retention limit of three yellowfin tuna per person per day applies to vessels with Atlantic tunas charter/headboat permits.

Q: *What is the fishing season for recreational angling for tunas?*

A: The tuna fishing season for private recreational anglers opens June 1 and closes May 31 or when the quota for the category is met.

Seasons and recreational retention limits for school, large school and small medium size classes of bluefin

Q: *What are the size class categories for bluefin tuna in the recreational fishery?*

A: **Size Class Categories of Bluefin Tuna***

SIZE CLASS	CURVED FORK LENGTH	PECTORAL FIN CURVED FORK LENGTH	APPROX. WHOLE WEIGHT
Young school	less than 27"	less than 20"	less than 14 lbs
School	between 27 and 47"	between 20 and 35"	between 14 and 66 lbs
Large School	between 47 and 59"	between 35 and 44"	between 66 and 135 lbs
Small Medium	between 59 and 73"	between 44 and 54"	between 135 and 235 lbs
Large Medium	between 73 and 81"	between 54 and 60"	between 235 and 310 lbs
Giant	greater than 81"	greater than 60"	greater than 310 lbs

** For enforcement purposes, curved fork length is the sole criterion for determining the size class of Atlantic tunas.*

tuna change seasonally. Fishermen are encouraged to call the HMS Atlantic Tunas Information Line at (978) 281-9305 for current information.

Recreational anglers are limited to one large medium or giant bluefin tuna ("trophy") per vessel per year that may not be sold. See above for reporting requirements for recreational bluefin landings. Currently, there are no seasonal restrictions on recreational fishing for tuna species other than bluefin.

III. RECREATIONAL SWORDFISH FISHING

Q: *Do I need a permit to catch Atlantic swordfish recreationally?*

A: No, not if you are a private angler. Charterboat and headboat owner/operators will be required to have an annual HMS charter/headboat permit.

The HMS charter/headboat permit will not be in place before Fall 1999; NMFS will publish additional information on this new program in the *Federal Register*.

Q: *If I am a charter/head boat owner/operator, do I need to keep a logbook and have a NMFS observer on board?*

A: If NMFS sends you a letter telling you that you have been selected, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips or before offloading for one-day trips. You must submit the logbook to NMFS within 7 days of offloading highly migratory species. You do not have to have an observer on board, but you may participate in a voluntary charter/headboat observer program.

Q: *What else do I need to know about fishing for swordfish recreationally?*

A: You may not recreationally land Atlantic swordfish south of 5°N latitude. Currently there are no bag limits. The minimum size is 29" (73 cm) cleithrum to keel.

Q: *What are the monitoring and reporting requirements for recreational swordfish?*

A: If contacted on the dock or by phone, recreational anglers must to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS).

Q: *If I am a tournament operator, do I need to register my tournament with NMFS?*

A: Yes, if you operate a tournament that requires participants to register, or enter, or in which a prize or award is offered for Atlantic highly migratory species and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify NMFS of the dates and location of the tournament at least 4 weeks prior to commencement of the tournament. NMFS will select a sample of tournaments for reporting. If NMFS sends you a letter telling you that you have been selected, you must submit your information to NMFS within 7 days after tournament fishing ends.

IV. RECREATIONAL BILLFISH FISHING

Q: *When is the fishing year for Atlantic billfish?*

A: The fishing year for Atlantic billfish is June 1 to May 31.

Q: *If I am a recreational angler, do I need a permit to fish for Atlantic billfish?*

A: No, not if you are a private angler. Charterboat and headboat owner/operators must have an annual HMS charter/headboat permit. The HMS charter/headboat permit will not be in place before Fall 1999; NMFS will publish additional information on this new program in the *Federal Register*.

Q: *If I am a charter/headboat owner/operator who targets Atlantic billfish, do I have to keep a logbook and have an observer on board?*

A: If NMFS sends you a letter telling you that you have been selected, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips or before offloading for one-day trips, and submit the logbook to NMFS within 7 days. You do not have to have an observer onboard but you may participate in a voluntary charter/headboat observer program.



IV. RECREATIONAL BILLFISH FISHING

Q: *If I am a recreational angler, how many Atlantic billfish may I keep?*

A: You may not keep longbill spearfish. There are no retention limits for Atlantic sailfish, blue marlin and white marlin, although NMFS encourages recreational anglers to release all billfish alive.

Q: *What are the minimum sizes for Atlantic billfish landed in the recreational fishery?*

A: These minimum sizes are effective as of the date of filing at the *Federal Register*:

- **Blue Marlin:** 99" lower jaw fork length;
- **White Marlin:** 66" lower jaw fork length;
- **Sailfish:** 63" lower jaw fork length;
- **Spearfish:** Retention prohibited.

Q: *How do I correctly measure lower jaw fork length?*

A: Lower jaw fork length is a straight line measurement from the tip of the lower jaw to the fork of the caudal fin.

Q: *What are the reporting requirements for recreational anglers targeting billfish?*

A: If contacted on the dock or by phone, recreational anglers are required to participate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS).

Q: *If I am a tournament operator, do I need to register my tournament with NMFS?*

A: Yes, if you operate a tournament that targets Atlantic billfish and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify NMFS of the dates and location of the tournament at least 4 weeks prior to commencement of the tournament.

If NMFS sends you a letter telling you that you have been selected, you must submit information to NMFS within 7 days after tournament fishing ends.

Q: *If I am a recreational angler who participates in tournaments in parts of the Atlantic outside the U.S. EEZ, (for example, in the Caribbean), do I have to comply with U.S. domestic regulations?*

A: Yes, U.S. flagged vessels and U.S. citizens, even if they are fishing on a foreign flagged vessel, must comply with U.S. domestic regulations that pertain to Atlantic blue and white marlin while fishing in the Atlantic.

Q: *Are the billfish I release alive considered as bycatch?*

A: No, NMFS established a recreational catch-and-release fishery management program for Atlantic billfish in recognition of the unique characteristics of the billfish fishery, including the conservation ethic of recreational billfish anglers which provides multiple recreational opportunities without adversely impacting the stocks. Therefore, Atlantic billfish released alive by anglers are not considered bycatch.

HMS Dealers and Importers

Q: *Do dealers and importers of bluefin tuna need to have a special permit?*

A: Yes, anyone who buys or imports bluefin tuna must have a dealer permit. Dealers must report to NMFS all bluefin tuna purchased from U.S. vessels through landings cards and biweekly reports, and all imported or exported bluefin must be accompanied by a Bluefin Statistical Document (BSD).

Q: *Do dealers and importers of swordfish need to have a special permit?*

A: Yes, anyone who buys or imports swordfish must have a dealer permit. Dealers must report to NMFS all swordfish purchased from U.S. vessels through biweekly reports. Each swordfish import shipment must be accompanied by a Swordfish Certificate of Eligibility. A Swordfish Certificate of Eligibility attests that the swordfish was harvested from an ocean area other than the Atlantic Ocean or that the fish parts (e.g. steaks or portions) were derived from a swordfish harvested in the Atlantic Ocean that weighed at least 33 pounds dressed weight at harvest.

Q: *Do dealers of sharks need to have a special permit?*

A: Yes, anyone who buys Atlantic sharks must have a dealer permit. Dealers must report to NMFS all shark purchased from U.S. vessels through biweekly reports. Dealers must only purchase sharks harvested from a vessel that has a valid commercial permit for shark issued under this part, except that dealers may purchase a shark harvested by a vessel that does not have a commercial permit for shark if that vessel fishes exclusively in state waters. Dealers may not purchase from an owner of a fishing vessel shark fins that are disproportionate to the weight of shark carcasses landed, i.e., the wet fins may not exceed 5% of the weight of the carcasses.

Q: *If I buy billfish that was caught in the Pacific Ocean, do I need to document it?*

A: Yes. Outside of Pacific coast states, all billfish must be accompanied by the billfish Certificate of Eligibility indicating that the fish is not Atlantic billfish.

NMFS CONTACT LIST

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HMS and Billfish Tournament Registration

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9721 Executive Center Drive
St. Petersburg, FL 33702-2432

Charter/Headboat Logbooks and Voluntary Observer Program

For more information about the voluntary observer program or to obtain forms for the mandatory logbook program, contact Susan Linn at the National Seafood Inspection Lab, (228) 769-8964.

Atlantic Tuna Permits

To obtain an Atlantic Tuna permit, call 1-888-USA-TUNA or go to www.usatuna.com.

The number of bluefin tuna you can keep varies throughout the fishing season. Therefore, anglers are advised to call 1-888-USA-TUNA or (978) 281-9305 to check retention limits before fishing.

Recreational landings of bluefin tuna must be reported within 24 hours of landing to the NMFS Automated Catch Reporting system (call 1-888-USA-TUNA) or, in North Carolina or Maryland, to a reporting station.

In North Carolina, call the North Carolina Harvest Tagging Program at (800) 338-7804.

In Maryland, for reporting station locations, call the Maryland Department of Natural Resources at (410) 213-1531.

Swordfish and Shark Dealers

For more information on the reporting requirements for swordfish dealers or importers, call Greg Power at (978) 281-9304 from North Carolina to Maine or John Poffenberger at (305) 361-4263 from any other location.

To obtain a swordfish or shark dealer permit, contact the Southeast permit office at (727) 570-5326.

Swordfish Certificate of Eligibility

Jill Stevenson / Steve Meyers
(301) 713-2347
1315 East-West Highway, NMFS/SF1
Silver Spring, MD 20910

